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THE REVOLUTION OF 1860:

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*Speech delivered by John F. Pickens, of New York,*

IN THE

HOUSE OF REPRESENTATIVES,

JANUARY 16th, 1861.

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THE REPUBLIC IS IMPERISHABLE.

S P E E C H  
OF  
HON. DANIEL E. SICKLES,  
OF NEW YORK,  
ON  
THE STATE OF THE UNION,  
DELIVERED IN  
THE HOUSE OF REPRESENTATIVES, JANUARY 16, 1861

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The House being in the Committee of the Whole on the State of the Union—

Mr. SICKLES said:

Mr. CHAIRMAN: It is impossible to survey the state of things which now exists in this country, without being impressed by the remarkable parallel disclosed between the present relations of the North and South and the relations which existed between the mother country and the colonies prior to the commencement of the revolutionary war. I think, sir, that it is not too much to say that perhaps there is now more alienation of feeling, and more political antagonism between the different sections of this Confederacy, than prevailed between the mother country and the colonies in 1774. We all know that the war of the Revolution was not fought so much to escape actual oppression as for a principle; not so much to remove material grievances that we suffered as for general rights which we asserted.

There is now very much of this same sort of conflict upon abstract questions. But it is nevertheless true that millions of the population of this country, with an unanimity never before witnessed in our history, protest against what they declare to be substantial grievances; among these they include the deprivation of essential rights in the Territories, the insecurity of their property, the disturbance of their domestic tranquillity,—spoliations countenanced by their associates in the Confederacy, and insurrections among their slaves openly promoted in pulpits and presses in the free States! Several of the southern States are endeavoring to

escape these consequences by measures which, whether justly or wrongfully initiated, beyond all doubt menace the dismemberment of this Confederacy, the organization of one or more new governments within our present limits, and possibly some change in the political control of this continent.

When the controversy began between England and the colonies, George III and the Ministry inclined to measures of the most vigorous coercion. Another great and gallant party, led by Chatham and Burke, and counseled by our own Franklin, proposed conciliation and the recognition of the principles, abstract though they might have been, which were asserted by the colonies. The advocates of conciliation were overborne, and the partizans of force controlled Parliament. Its policy was pursued to the end, with what results history has recorded; and in its perfect vindication of Burke and Chatham and Franklin, history commends to us, in this hour of trial, an impressive and apposite example. It is for us to decide whether we will reject the counsel which this experience has developed to us, or whether we will instead, imitate the policy of George III and Lord North, which proved so fatal to the ambition of England.

The great fact which constitutes the crisis, is, that eight millions of our population are pervaded with the conviction of danger at home, of insecurity at their firesides, of assaults made and menaced upon their property; the refusal of their equal rights in the common Territories of the Union, acquired by the valor and treasure of the whole nation. No matter, sir, for the purposes of the present exigency, whether the grounds upon which this discontent is based, are entirely well founded or not. That was well and wisely discussed last year. We have now to deal with this extensive disaffection as a gigantic fact in our history and position.

I do not propose to-day to consider in detail the causes of this state of things; yet it may not be improper to advert to them in a general way. This revolution began in November, 1860. It was initiated by a change in the principles of the Government. In the election of Mr. Lincoln upon the doctrines avowed in the Chicago platform, a majority of the people asserted the right and the power to legislate in conflict with the fundamental law of the land, as embodied in the Constitution and declared by the Supreme Court of the United States. The assertion of that power, and placing the Government in the hands of an Executive pledged to exercise it, was of itself a civil revolution, in the character and form and essence of the Government. So much of the revolution was accomplished in November. Let it be well understood that a revolution in a popular Government can be as well achieved through the ballot-box as by the bayonet.

The determination of a majority of the people to override well-ascertained and essential constitutional rights is revolution in its most potential aspect.

The States of the Confederacy were thereby separated into two sections—one dominant and the other subject. The North appropriated to itself the exclusive right of settlement in the Territories, which are the common property of all the States. This exclusion of the slaveholders of the South from equal participation in the right of emigration and colonization with their property, is predicated upon the avowed ground that to hold slaves is a sin which places a citizen under the ban of the Federal Government; that this description of property is not entitled to protection beyond the limits of the State in which it may be held; and that the institution itself, though coeval with American civilization, and of unknown antiquity, is a relic of barbarism; to the extinction of which the power and influence of the Federal Government became pledged in the election of Mr. Lincoln.

The Government of the United States has become Puritan and proscriptive; it has ceased to be catholic and tolerant, as it was formed, and has continued from the administration of Washington down to the election of Lincoln. The vital element of our political system has ever been the equality of the States; and from this follows the consequent duty of non-interference with their local institutions, and the equal right of every citizen in the Government and its Territories. The essential characteristic of Puritanism is the employment of the powers of Government to compel a uniform recognition of the opinions of the majority, in all things. The Constitution of the United States imposes no test upon the institutions of a State or Territory, except that they shall be republican. It was designed for a Confederation, embracing every element of civilization, which could be developed under republican institutions. The triumph of the Puritan element of the North, involves the probable destruction of the federative principle of the Constitution, and the consolidation of the Government under the absolute power of a majority, which is one of the forms of despotism.

Such is the character of the revolution begun in November. It was peaceful in form, I concede, but none the less comprehensive and radical. We are now in the presence of the second phase of the revolution, which is the secession of several of the States of the Confederacy. Secession, also, was avowed as a peaceful remedy. It was intended as a remedy by means of which the aggrieved States could, without conflict, escape the consequences of the revolution already in progress, and after they had lost the means of protecting themselves within the Government. I do not propose, sir, to discuss the question of the right of secession. It is too late for that. The reserved rights of the States is familiar New York

doctrine. They were more insisted upon, perhaps, in our convention which ratified the Constitution, because, of all the States, New York was the most reluctant to yield its assent to the Union. Even in the colonial times, long before the Revolution, we had occasion to consider this question in our controversy with Vermont, where the right of a community to form an independent government was successfully asserted, after a long struggle, in which Ethan Allen won as much distinction as he afterwards gained at Ticonderoga.\*

I might, in passing, compare the remedy of secession with various constitutional remedies which are unquestioned, and which, perhaps, would be more effectual for the redress of grievances. Take, for instance, sir, the remedy of refusing supplies to the Government. Ever since the seventeenth century this has been recognized as a constitutional proceeding. It has been occasionally and successfully employed in English history to compel modifications of the British Constitution. It was employed to ameliorate the monarchical and aristocratical elements of the Government and to secure larger powers to the people. Suppose it were applied here; suppose there was a sufficient representation in both Houses to make it effectual; suppose the Representatives from the southern States alone, without including their friends among the northern Representatives, had determined, in a body, to resort to every parliamentary resource to cut off supplies from the Federal Government. Without supplies we all know that the Federal Government would crumble to dust in a year; it would be paralyzed from head to foot; it would be compelled to yield to any assailant. That remedy was not resorted to, although Mr. Lincoln's party failed to elect a majority in either House of Congress.

Another remedy conceded to be within the Constitution is retaliation. I mean

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\* The dispute between Vermont and New York, which began in 1769, and continued until 1790, is an instructive passage in our political history, illustrating the relations of the colonies to each other and to the Confederation. The independence of Vermont was not recognized by Congress until she had successfully asserted and vindicated it against Great Britain, New York, and even Congress itself. It is difficult to say whether one most admires the address of her diplomatists, the courage of her military leaders, or the sturdy virtue of the "Green Mountain Boys;" but certain it is, that between her intrigues with the British and her negotiations with Congress, her alliance with Massachusetts and her mortal antagonism with New York, Vermont, after a long and eventful struggle, baffled all her adversaries, established her independence as a sovereign State, and was duly admitted into the Union upon an equal footing with New York, her old enemy, but evermore, I trust, her good friend. (See *Lippincott's Cabinet Histories*, Vermont, chaps. 3, 12, and 14, for the narrative of this controversy.)



retaliatory legislation as between the States; restrictions upon commerce and trade and intercourse. Mr. Stephens, of Georgia, and other southern statesmen, have devised and suggested such measures, the constitutionality of which is maintained by the ablest jurists. A third remedy would have been the withdrawal of all the southern Representatives in both branches of Congress. To illustrate the effect of it: suppose the election of a President and Vice-President, had devolved upon one or other of the two Houses of Congress, and the Representatives of a sufficient number of States, to prevent the formation of a constitutional quorum, had withdrawn: that would have rendered the constitutional election of a President impossible, and the consequences to the Government of a failure to choose an Executive, in the manner required by the Constitution, I need not stop to elaborate.

A fourth alternative, so far as the territorial question is concerned, would have been for the southern States to occupy, by immigration, such portions of the common territory as they desired, and protect their slave property in the territory by such force as might be necessary to repel interference. By the law of the land, they would undoubtedly have had a right to defend their property by any amount of force necessary to overcome any species of attack. This remedy would have been what is called "fighting within the Union." I say, therefore, sir, in general terms, without amplifying these illustrations, that the remedy of secession chosen by the aggrieved States, was perhaps the least effectual as a mode of constraint upon the Government. It will remain to be considered, Mr. Chairman, how far the plan of peaceable secession has been consistently carried out. It will remain to be seen whether or no, the precipitate action of South Carolina and other southern States and communities has not essentially changed the original character of the secession movement. It will remain to be shown whether or no, by their interference with the forts, arsenals, navy-yards, and the common property of the Confederacy, they have not committed a fatal error in the development of their own policy, themselves initiating that resort to force and "coercion" which they have so wisely, and, as I think, so justly deprecated.

Before proceeding to that branch of the subject, I will allude, cursorily, to the policy proposed by the dominant party in the northern States, in the present condition of affairs. With remarkable unanimity they insist upon the employment of armies and fleets to compel the allegiance of unwilling States. If this policy were just, it is impossible. To what end shall we make war upon a member of the Union? It could not be expected that the most successful prosecution of hostilities would end in reconciliation. Shall we seek to subjugate the South,

and, obliterating the States, hold it as a mere province, by conquest? This would be repugnant to the theory of our Government, which has for its basis, States and citizens, not dependencies or subjects. If the purpose of such a war be to destroy the power of the antagonistic States, as foreign enemies, let me implore you to wait for sufficient evidence of their hostility, and to be sure that you have exhausted all the means of conciliation. But I utterly deny that the extremest Federalist, at the time of the formation of the Constitution, ever tolerated the idea that the Federal Government, through any of its instrumentalities, could constrain the political action of any sovereign State, except by means of the judicial power of the Supreme Court. It will be sufficient, to make this statement indisputable, to refer gentlemen to the exposition of the Constitution by Alexander Hamilton. The founder and leader of the Federal party developed in the *Federalist*, contemporaneously with the adoption of the Constitution, the most powerful argument that could be framed against the power or the utility of employing coercion through the Federal Government upon a sovereign State. He convinced our public men of that epoch, that this element in the Articles of Confederation, made the Government of the Confederation impracticable. He established, by numerous examples from ancient and modern history,\* that whenever the controversies between associated States had resulted in an appeal to force, civil war and foreign intervention hastened the destruction of the Confederation.

Sir, we all know that the Amphictyonic league, one of the most perfect of the Republics that existed among the Grecian Commonwealths, was destroyed by an attempt to employ coercion upon one of its members. The people of the resisting State—the Phocians—sought the alliance of Philip of Macedon. Ready and eager to give it, he occupied the territory of the Republic with his armies, and settled the quarrel by annexing the principal States to Macedon. The Achaean Confederacy, the last and best hope of ancient liberty, was destroyed by the intervention of Rome, on the appeal of one of the confederated States, which sought this mode of escaping the coercion of the league. The passions of men are the

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\* To those who are disposed to follow this branch of the discussion, and especially to the Republicans who meditate the subjugation of the seceding States, I commend the essays from Nos. 15 to 20 of the *Federalist*, both inclusive. In denying this power to the Federal Government, Madison and Hamilton fully concurred. They represented, in this opinion, both of the great parties and all the leading public men of their time, in this country. Who will look further for authoritative exposition of the principles and faculties of our Government?

same in all time. We have, at this epoch, a Philip of Macedon in Louis Napoleon of France, with armies such as the world has never before seen, eager for employment; with a Navy which would enable him to transfer these arms to our shores, sooner than Philip of Macedon could have marched to Athens. Who can fail to see that an attempt to subjugate the States of the South by the Federal Government would result in appeals for aid, for protection, for alliances, for commercial treaties, in any quarter where aid and succor could be found? The armies of Louis Napoleon and of Victoria, instead of the Congress of the United States, would be made the arbiters of the issues arising out of the existing revolution. The confederated Governments of modern times equally illustrate the same views. The more familiar instances are found in the history of the Germanic Confederation, the United Netherlands, and the Confederacy of Poland. No instance more apposite can be cited than that furnished by our own struggle for independence, which was not accomplished without the intervention of France.

Having adverted, sir, to the southern remedy, and also to the policy of the dominant party in the northern States, I will allude to the advice of the conservative portion of the northern States. We recommend the recognition of all the rights of the South, without qualification; the recognition of the equality of the States; and non-interference with the institution of slavery wherever it exists, or where it may be established with the consent of the people, in any of the new States to be formed out of the common territory belonging to the Union. This is the remedy of justice and conciliation.

Permit me, before I leave this general view of our situation, to advert to a phrase which expresses, somewhat vaguely perhaps, a popular estimate of the duty of the Government at this time. Everybody at the North calls for the "enforcement of the laws." That would be, indeed, desirable. It is not less the duty, perhaps, than a necessity of Government, because, without the enforcement of the laws, Government cannot be said to exist. But, sir, this suggestion does not meet the existing state of things, because by the Constitution we can only enforce our laws on persons, and by means of the magistracy. There are no laws that we can enforce against a State, in arms. To bring individuals within the regular jurisdiction of law, we must have courts and juries; and the Constitution expressly declares that we must deal with offenders in the State where the crime is committed. You must have a grand jury there to find indictments; which you know you have not. You must have your courts there, before which you will arraign offenders; and you have no courts. You must empanel a jury of citizens of the State where the offence was committed;

and that you cannot do ; and if you could, if you had all this machinery, where would you find in South Carolina, or Georgia, or Louisiana, or any of the insurgent States, a jury that would bring in a verdict of guilty on an indictment for a political offence, arising out of the present political troubles ?

Let us now return to the course of events at the South—for it is there our immediate danger is to be seen. Pending the consideration in Congress, of the various measures proposed to restore peace and to re-establish the Government, upon secure foundations of popular content, alarming events have recently occurred upon the southern coast. We are threatened with immediate hostilities, while we are deliberating. Should a state of war intervene, as an incident of secession, provoked by the precipitate and unjustifiable action of the local authorities in these States, all hope of any solution, other than such as the sword may provide, must be abandoned. It is not yet time to despair of some satisfactory basis of adjustment being agreed upon in this Congress ; although little, if any, progress has yet been made in the work of reconciliation. It is, nevertheless, beyond question, too soon for South Carolina, Louisiana, and their allies, to assume to dictate to the United States the terms upon which the Confederacy is to be dismembered, and to seize upon the possessions of the Government which lie adjacent to their jurisdiction. The President has communicated to Congress the recommendations which he has thought it his duty to make. They are all that the South could reasonably ask or hope to secure. This House has ordered a committee of one from each State, to consider the suggestions of the President, together with propositions which have been presented to the House from the Representatives of many States. In another place, our colleagues in Congress are occupied assiduously with the consideration of the subject, and especially the plan of compromise proposed by a distinguished southern Senator. The recent speech of another distinguished Senator, representing the Republican party, and also, as rumor says, called to the highest position in the councils of the next Administration, authorizes us to expect, before many days, a proposition of honorable compromise from the Cabinet of Mr. Lincoln. Perhaps all these hopes may be disappointed—all these labors unavailing. The grave, but welcome, duty of pacification may, after all, unavoidably go over to our successors. Possibly, if our patriotism has all become provincial, reconciliation is impossible.

What, then, is to be done ? What is the duty of this Administration and of this Congress ? If we must abandon all hope from our own exertions, let us, at least, hand over our trust intact, to the next Administration. If the next Administration, with a majority in both branches of Congress, fail, we must await an appeal to the people. The Republican party can save the Union now, by an honorable compromise, acceptable to the border States. If this be withheld, although the Union may be yet dismembered, the Confederacy will be reconstructed upon the ashes of the men who destroyed it. What is now to be done ? State after State withdraws its Representatives from this Congress, and will soon accredit them to the Congress of another confederation. Our wisest men fear that no

compromise can be perfected in this Congress. The dominant party in the Legislatures of most of the eastern, northern, and western States have indicated by their action that they will not make the concessions that are indispensable to reunion. What, then, I repeat, becomes the duty of this Congress and of this Administration? I say, for one, that I believe that duty to be to preserve the *status quo*; to maintain the Government; and, as a paramount duty, neither to initiate nor to permit aggression.

But it is an essential condition of this policy that the like purpose and the like spirit shall animate our southern friends. It will never do, sir, for them to protest against coercion, and, at the same moment, seize all the arms and arsenals and forts and navy-yards and ships that may, through our forbearance, fall within their power. This is not peaceful secession. These acts, whensoever or by whomsoever done, are overt acts of war. And, sir, when sovereign States, by their own deliberate acts, make war, they must not cry peace. When they employ force, they cannot declaim against coercion. The jurisdiction of the Federal Government in the State of South Carolina is one thing; the right of the Federal Government to jurisdiction and absolute control over its forts and arsenals and ships-of-war and navy-yards is quite a different question. However secession may, as a political remedy, extend to the territory of South Carolina, or of Georgia, or of Virginia, it does not apply to territory which, by their own sovereign acts, they have indefeasibly ceded to the Government of the United States. The repeal of the ordinance by which a State adopted the Constitution, cannot undo an absolute cession of territory; all the territory thus acquired, with the consent of the respective States, was purchased for a fair equivalent. The sovereign authority of the Government of the United States, over all its territorial possessions within the States, rests upon the unconditional and voluntary grant of exclusive jurisdiction by the States in which it was previously vested; these States, each for itself, had the sovereign right to surrender this jurisdiction, or to reserve it. Territory once ceded to us, by the act of the State, is relinquished forever, and can only be regained with the consent of the Government of the United States.

I am arguing this question, Mr. Chairman, on the premises assumed by the seceding States, and which they affirm to be indisputable. They were always sovereign. The Constitution recognizes their sovereign right to grant, or refuse to grant, to the United States, exclusive jurisdiction over these fortified places. They have made the grant absolutely and without condition. Now, sir, when a sovereign State, by its own act, whether by law, or by treaty, or by grant, cedes unalterably a piece of territory, whether large or small, whether for a fortress, or an arsenal, or a city, it is irrevocable, except with the consent of both parties—the State and the Federal Government. No matter what changes a State may have the right to make in its political condition, these can never retroact upon or annul a cession of property, jurisdiction, or territorial control, made to another sovereign State.

Now, there is the case, stated with whatever accuracy I can command, with regard to the forts, arsenals, navy-yards, and public buildings, belonging to the Government of the United States, which we hold in the States. Let it be said, if you please, that the Government is only a trustee. It is the trustee for thirty-three States, not for one; and no one of the States can seize the common property of all, divest the trustee of control, and oust all the other associates of right, power, and possession. Such a proposition is subversive of all the law of nations; it is monstrous in jurisprudence, in morals, and in politics. It is utterly untenable and indefensible. I trust that this question will not be misunderstood by the southern States. I hope they will not precipitate upon the General Government the issue of war in defence of its incontestable right, and in the discharge of an undoubted duty to hold each and every one of these fortified places, provided for the common defence of this country. And, sir, it is there, and there alone, that, at this time, the danger of a collision lies; it is upon this issue that, if civil war is begun, the first battle will be fought.

Sir, it would be difficult to imagine graver errors than have been committed in the rash seizure of these fortifications, and the appropriation of the public property. Remember that these attacks and these seizures have been made notwithstanding the solemn declaration by the President of the United States that he did not possess the right to employ, and should not attempt to use, coercion upon a sovereign State. No State has been assailed or menaced; no ship-of-war threatened any of their harbors; no military force was sent within their borders; and therefore it cannot be said that these seizures were made to secure the means of protection against invasion. Remember the course of events. South Carolina called a convention for the purpose of taking steps to secede from the Union. No interference from any quarter hindered that measure. There was no interference from the Executive or from Congress. The convention was held and the ordinance of secession passed. No interference yet—none whatever. No naval force, or military force was sent for any purpose of coercion. South Carolina organized and equipped an army. There was yet no legislative or Executive interference on the part of the General Government. The act of secession from its inception to its completion was rendered as perfect as human agency could make it, and no coercion was attempted by the executive or legislative departments of the Government. Therefore, in no sense was South Carolina menaced.

What next? South Carolina sent three commissioners here to treat for the acquisition of the forts in the harbor of Charleston, and the public establishments belonging to the United States, within its boundaries. Pending negotiations, all the unprotected forts, the arsenal, and the public buildings, were taken and occupied by the authorities of South Carolina. If they belonged to her, why did she come here to negotiate for them? If they did not belong to her, to take them was an act of spoliation—an act of war. The commissioners, who

had evidently studied diplomacy in the school of Sir Lucius O'Trigger,\* lost their temper, and terminated their negotiation suddenly in a second note, which was returned to them by the President, as impertinent. The transfer of sixty men from one possession of the United States to another, as a measure of security for themselves against the threats of a State in arms, seems to have been sufficient to arouse the apprehensions not only of South Carolina, but of all the adjacent States. The mere change of position of a handful of men, menaced with attack from an army, was assumed to be a declaration of war by the Federal Government.

What next? The forces of South Carolina assault and take Castle Pinckney and Fort Moultrie. With all the pomp and circumstance of war, the battalions of South Carolina, duly provided with scaling ladders, battle-axes, and pontoons, march in grim array to the assault of these fortifications—the clear and indisputable property and domain of the United States. Defended, or rather occupied, only by an omnibus load of laborers, the capture does not prove as difficult in execution as it was reckless in conception. The palmetto flag is inaugurated with blank cartridges, and the stars and stripes are transferred to Fort Sumter—a strong place defended by a noble soldier—where neither the flag nor its defenders have been disturbed. Even yet, the President and Congress forbear to resort to measures either of retaliation or of punishment, or even to recover possession of the strongholds upon which an inexcusable trespass has been committed.

What next? The fortifications in the vicinity of Georgia, Louisiana, and Florida, are seized and held by the militia of those States, acting, it is understood, by the authority of the Governors of those States, although without the

\* "*Sir Lucius.* Oh, faith! I'm in the luck of it. I never could have found him in a sweeter temper for my purpose—to be sure, I'm just come in the nick! Now to enter into conversation with him, and to quarrel genteelly. [*Goes up to CAPTAIN ABSOLUTE.*] With regard to that matter, Captain, I must beg leave to differ in opinion with you.

*Capt. Absolute.* Upon my word, then, you must be a very subtle disputant: because, sir, I happened just then to be giving no opinion at all.

*Sir Lucius.* That's no reason. For give me leave to tell you, a man may think an untruth, as well as speak one.

*Capt. Abs.* Very true, sir; but if a man never utters his thoughts, I should think they might stand a chance of escaping controversy.

*Sir Lucius.* Then, sir, you differ in opinion with me; which amounts to the same thing.

*Capt. Abs.* Hark'ee, Sir Lucius, if I had not before known you to be a gentleman, upon my soul, I should not have discovered it at this interview: for what you can drive at, unless you mean to quarrel with me, I cannot conceive!

*Sir Lucius.* I humbly thank you, sir, for the quickness of your apprehension. [*Bowing.*] You have named the very thing I would be at.

*Capt. Abs.* Very well, sir; I shall certainly not balk your inclination. But I should be glad you would please to explain your motives.

*Sir Lucius.* Pray, sir, be easy: the quarrel is a very pretty quarrel, as it stands; we should only spoil it by trying to explain it. \* \* \* So, no more; but name your time and place."—*The Rivals, act iv, scene iii.*

sanction of the people, expressed either in Legislatures or conventions. These places are held by force, in contempt of the authority of the United States. These are seditious proceedings; they are insurrections against the Government, differing only from the lawless disturbances of the public peace by a mob, in this: that they are of greater enormity, because perpetrated by men clothed with color of authority, and holding responsible and respectable public stations. And these offences against law and order, and the public peace and safety, are suffered to pass by a lenient Government without punishment. The events of the following week proved that forbearance was misconstrued into timidity, and the indulgence extended to infatuation was made the shield to cover outrage with impunity.

What next? An unarmed vessel of commerce, chartered by the Government as a transport ship, appears in the waters of Charleston, bearing despatches, provisions, and men to a place within the unquestionable jurisdiction of the Federal Government of the United States. The American flag is flying at the masthead of the *Star of the West*, and as she approaches the harbor, while in sight of the fortifications belonging to this Government, the official character of the ship being well known, the authorities of South Carolina, through their military forces, opened a fire upon that defenceless ship, and compelled her to retire and abandon the peaceful and legitimate mission in which she was engaged. Now, sir, that was an act of war, unqualified war. Had such an offence been perpetrated by any foreign Power, it would have roused every man in this nation; it would have elicited from every patriot in this House a loud and earnest protest, and an appeal for all the measures necessary to repel the insult and avenge the wrong.

It was, sir, I repeat, an act of naked, unmitigated war. Happily—thanks! eternal thanks! to the moderation and the noble magnanimity of Major Anderson—it was not so treated by him. He remembered that it was done by his fellow-countrymen; that it was done by men excited and misled by their passions, and their own anomalous political condition. He paused, with cannon in position and the torch lighted. He referred the transaction to his Government. Had he employed the discretion vested in every commander of a fortress, when he saw a ship, with his own flag floating over it, with defenceless men upon its deck, fired upon without excuse or provocation, he would have been justified in punishing this insult by laying Charleston in ashes; and had he done so, civilization would have approved the act. No man, looking at the duty of Major Anderson, and looking at the responsibility and obligation of his position, could have censured the most signal vindication of the honor of the flag which his sword and his life were pledged to maintain. It is another proof of the forbearance, not only of the Government, but of the people, that the magnanimity of this gallant soldier, is universally commended, and is known to be sanctioned without reserve by the Administration. Yet the attack upon that ship was none the less an offence; it was none the less an act of war; it was none the less the initiation of a policy which, if persisted in, must inevitably bring on the conflict which we all so much deprecate.



It must result in the employment of force to protect the rights and the property and the honor of this country; and it must forever make impossible that recognition of a common destiny in a reunited Confederacy, which, from one end of the land to the other, seems the only possible hope left to the patriot, in the existing exigency. Sir, you could not—I have said it before, and I repeat it now—you could not recruit a regiment that would ever march from the frontier of New York into any southern State for the purpose of employing coercion upon its people in the exercise of their legitimate political rights. Never, never! But the men of New York would go in untold thousands anywhere to protect the flag of their country, and to maintain its legitimate authority.

Here, then, I ask your attention once more to the great and cardinal distinction between the employment of force upon a sovereign State to compel the abandonment of proper measures within its legitimate jurisdiction to obtain a redress of grievances, or to secure independence; and the employment of force in defence of the indisputable right and jurisdiction of the United States, where that jurisdiction has been established irrevocably by the act of the seceding State itself. When the Constitution was formed, it was proposed to allow the General Government, without restriction, to acquire property in the States for the erection of fortifications, and the establishment of arsenals, navy-yards, or for any other military purpose. In the debates on that article, it was insisted that the power was too broad, and that it was necessary it should be limited by the insertion of a clause making the consent of the several States indispensable to the exercise of the power. Such a qualification was inserted, I think, upon the motion of Mr. Gerry. In that form it was adopted unanimously, by the vote of every State in the Confederacy. Accordingly, sir, the States where these works of defence are located, have, in pursuance of that clause in the Constitution, given their consent to the purchase of the property; and have ceded for ever, by their own sovereign will, exclusive jurisdiction to the Federal Government over all these fortified places.

It is well understood that the military plan of defences in this country has not been considered with reference only to the protection of the locality where the work may be placed, but it is a great national system of defence, in which all these fortified places bear an important relation, not only to local security, but to the common defence of the nation. Virginia or New York, have an equal interest in Fort Pickens, which protects our squadron and commerce in the Gulf of Mexico, or in Fortress Monroe, which protects the Capitol where we are legislating; or in Fort Sumter, which is an equally important strategic position. New York has interests no less than South Carolina, or Georgia, or Florida, in each and all of these defences, and in the navy-yard and forts at Pensacola, which have also been seized. The commercial interests of the North would be insecure if their vast shipping in the Gulf trade had no protection from a squadron, which would find support and a basis of operations at Pensacola. It is as essential to us as Gibraltar is to the British fleet in the Mediterranean.

The CHAIRMAN. The gentleman's hour has expired.

Several MEMBERS. We want to hear the conclusion of the gentleman's argument ; and therefore move that his time be extended.

An extension of time was unanimously granted.

Mr. SICKLES. I thank the House.

To resume. I am strongly impressed, Mr. Chairman, with the correctness of the views I have presented, when I recur to the very eloquent and cogent argument of the gentleman from Virginia, [Mr. GARNETT.] In his observations yesterday on the subject of blockades, he adverted to the possibility that the Federal Government might blockade one or more of the southern ports, as a restrictive measure, and one of a series of coercive proceedings ; and he admonished us, if such an attempt were made, that England and France, unable to do without southern cotton, would interfere and compel us to open the southern ports. I maintain that the argument which the gentleman addressed against blockades is the most unanswerable reason which human wisdom could frame against the surrender of our forts. If it be possible for the contingency to happen, that the navies of France and England are to be brought to our shores to interfere with the assertion of our jurisdiction, would it not be worse than madness for us to surrender the fortified places, which alone would enable us to assert and maintain our independence ? Whatever may be our views upon the right of peaceable secession, whatever we may anticipate as the future of this exigency, we yet have our political position to maintain as a great commercial nation. The commercial element of this country is in the North and West, and not in the South. The South must always be essentially an agricultural community, and can never be a military, naval, or commercial Power.

We also have our paramount duty of self-defence to perform ; and these posts, these fortified places and navy-yards, are indispensable for the protection of our political position against the eventualities which secession will bring with it. These fortified places are of a thousand times more importance with secession an accomplished and irreversible fact, than if it had never been contemplated. There is no probability of foreign intervention without secession. With the establishment of a southern confederacy it is, perhaps, unavoidable. These considerations prove it to be our imperative duty to hold these places, under all circumstances. This necessity should admonish the southern population, which I believe sincerely desire to prevent war, that they can never be permitted to hold possessions which are necessary to maintain the integrity of this continent against foreign intervention or control.

Our own statute-books are full of precedents to justify us in asserting more than the right to hold these fortified places. In 1811-12, Congress, by the votes of large majorities, in which southern men united, determined to take possession of the country west of the Mississippi, and also of the Floridas. And this was because their occupation was essential to our political safety—to our territorial pro-

tection. The statesmen of the South are committed to the recognition of the right and duty of this Government to hold any part of their territory, as a matter of protective policy. Our own history is full of precedents for it. The history of every free and great people furnishes precedents for similar measures of security. The absolute rights of the nation coincide with its necessary and obvious policy. Our duty is, then, plain and unalterable. We must maintain all our rights. No foreign Power can be permitted to intervene between the seceding States and this Government, nor to exercise any protectorate over them, or to hold any of our forts, or to occupy any portion of the territory hitherto within our limits.

The interests of civilization, the obligations of international law, and the prosperity of European trade and commerce, forbid the hostile intervention of any European Power in a controversy between the General Government and the southern States. Yet it is a fact, of which we must not be unmindful, that the Governments of Europe are in the hands of aristocracies, jealous of our progress, and fearful of the influence of our success upon their own political system. The Cabinets of France and England would be inclined to seek any opportunity which might be legitimately afforded to them, to promote the dismemberment of our Confederacy. Lord Palmerston, in his well-known antipathy to this country, only represents the real sentiments of the governing class in England. The intimate relations which, in earlier times, existed between France and America, are traditions which Louis Napoleon has taken no pains to remember or preserve. That one or the other would desire to form an alliance with a southern confederacy, is beyond a doubt. It might be difficult to unite both of these Powers in such a scheme of policy. And it would remain for our diplomatists to avail themselves of the jealousy which exists between England and France, to detach one or the other from a hostile combination against us; and thus employ the power of one to prevent the intervention of either.

And here let me enter my protest, as an American, against the inference which so many will be prompt to accept from the possible dismemberment of the Confederacy, that republican institutions have failed. It is not so. When such an event shall happen, it will prove only that our Union of States embraced an antagonistical element which could not co-exist with a purely republican theory of labor. This element, so far from originating with the Republic, was inherited from Spain and France and England, and by them ingrafted upon our primitive social and political organization. The present controversy has not arisen out of any defect in our form of Government, nor does it furnish the least proof that the institutions which have contributed so much to our signal advancement in civilization and power, are not equally adapted to promote the same results in one, two, or three independent confederacies, embracing a homogeneous population and congenial interests. If anything were needed to show that the disaffection in the southern States finds no origin in a distrust of the adaptation of the free institutions to their peculiar condition, it is to be seen in the fact that none of them propose to make any radical change in their State constitutions or laws;

and with common accord, they all suggest the existing Constitution of the United States as the basis of the contemplated southern confederation. It is not difficult, I acknowledge, to foresee the ultimate changes which probable events might render unavoidable in the institutions of a southern confederacy composed exclusively of slaveholding States. The necessity of large standing armies, the exigencies of defence and internal security, would hasten its tendencies towards consolidation; the independence of the States would be merged; universal suffrage would soon be abandoned; and the Government would, in the end, yield to the control of an aristocracy, partly military, but mainly directed by the small class in whom would be united the possession of all the capital and all the labor. Whatever may be the issue of existing complications, the Republic of the United States is imperishable. It will survive all the dangers which now assail it. It will vindicate the faith in humanity upon which it reposes. It will fulfill its destiny in the development of an ameliorated system of institutions and laws, which recognize the equality of all the citizens composing the Commonwealth.

It is my prayer to our Father, that these disastrous events may go no further; that the day-spring from on high may visit us, and guide our feet into the way of peace. But whatever may be the issue of events—whether, happily, by conciliation and justice to the South, we may find an honorable and fraternal solution of our difficulties, or whether, unhappily, we blindly drift into alienation, war, and irrevocable separation—the great commercial interests of this country require, the destiny of American civilization demands, that the political and territorial control of this continent, from the mouth of the Hudson to the mouth of the Mississippi, from the Atlantic to the Pacific seas, shall remain where it now is—in the hands of the Government of the United States. In all the partisan issues between the South and the Republican party, the people of the city of New York are with the South; but when the South makes an untenable issue with our country, when the flag of the Union is insulted, when the fortified places provided for the common defence are assaulted and seized, when the South abandons its northern friends for English and French alliances, then the loyal and patriotic population of that imperial city are unanimous for the Union.



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